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SUBJECT: PROVINCIAL ELECTION LAW IN FLUX AS NEGOTIATIONS
CONTINUE

Classified By: Deputy POL Counselor Brian Shukan for reasons 1.4 (b) (d)
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¶1. (C) Summary: As of mid-day August 6, Council of Representatives (CoR) discussions continue on a UNAMI proposed compromise text for Provincial Elections. Shi'a and Kurdish bloc leaders have indicated their agreement with the compromise, which would postpone elections in Kirkuk to no later than December, 2009 and preserve Kirkuk's status until elections occur. The IIP has also indicated that it could support this compromise, but that it would not do so without the votes of other Arabs. The CoR leadership has told us that they will not bring the law to a vote without Sunni support. However, UNAMI and Deputy Speaker Attiyah have indicated that the Sadrists will support the shorter text, suggesting an important split among those who were opposing the compromise. Ambassador and Emboffs continue to press all sides to accept the short UNAMI compromise text and permit provincial elections to proceed everywhere but Kirkuk. End Summary.

¶2. (C) As of mid-day August 6, discussions continue within the CoR over the latest UN-proposed draft Provincial Elections legislation. The United Nations Assistance Mission in Iraq (UNAMI) proposed a new simplified text on August 5 to resolve the impasse over Kirkuk. This text provides that elections in Kirkuk will be postponed for a period not extending beyond December, 2009, during which time: the current provincial council will continue performing its duties; the status of Kirkuk governorate will remain as is; demographic records will be reviewed; all elements of the constitution relevant to Kirkuk will be respected; and discussions in the CoR will continue and a separate law will be enacted no later than December 31 2008. In addition, UNAMI has provided the following additional language for consideration: "Should the CoR fail to deliver the law, the Presidency of the CoR and the federal government, seeking international assistance through the United Nations, will determine the appropriate terms for provincial elections in Kirkuk no later than December 2009."

¶3. (C) Based on discussions with Poloffs August 5-6, the Shi'a and Kurds have agreed to accept this shorter UNAMI text. Deputy CoR Speaker Khalid Attiyah (UIA) told POL MinCouns early on August 6 that the CoR leadership would not bring this text to a vote without Sunni Arab buy-in. Attiyah and UNAMI later indicated that the Sadrists would accept the compromise, and Attiyah expressed confidence that they had the votes to pass the compromise law. The July 22 bloc (named in honor of the July 22 passage of the Election Law despite a Kurdish walkout - a law that was subsequently vetoed by the Presidency Council), has been in meetings throughout August 6, and is conferring with other blocs as well.

¶4. (C) In addition, on the evening of August 5, IIP official Abdel-Karim Sammaraie told POL MinCouns that the IIP could go along with the UNAMI text, but that it needs some other Sunnis to join them in voting in favor. IIP bloc leader Ayad Sammaraie told UNAMI August 6 that IIP would not move without

the support of other Sunnis (Comment: IIP has essentially signaled that harder-line Sunnis are effectively setting the agenda for the IIP and Tawafuq. End Comment).

15. (C) In a separate conversation August 6, Independent Sunni CoR member Hussein al-Falluji, who has aligned himself with the July 22 group, told Poloffs that the UNAMI compromise text was unacceptable as its vague wording left too many openings for exploitation by the Kurds. He said he would vote against the text and predicted that the entire Tawafuq bloc would oppose it. Al-Falluji commented that the original UN proposal was much better, providing a coherent mechanism to determine the fate of Kirkuk. He noted that Sunnis in general are wary of Kurdish expansionism - today Kirkuk, tomorrow Mosul. At the same time, al-Falluji acknowledged that a failure to hold provincial elections would set back Sunni efforts to increase representation in the GOI.

16. (C) As of 13:00 August 6, CoR discussions were focused on whether the Sunni blocs will accept the short and relatively vague UNAMI text, or whether they would insist on more clarity and guarantees. At 13:20, CoR Speaker Mashadani announced that the session was being postponed until 14:00. Sunni sources at the CoR have indicated that they may try to override the July 24 veto, and if that fails Parliament would break and return in 2-4 weeks.
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